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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,019	08/22/2001	Gregory J. Linden	P-9611	9188
27581	7590	03/03/2006	EXAMINER	
MEDTRONIC, INC. 710 MEDTRONIC PARK MINNEAPOLIS, MN 55432-9924			COBANOGU, DILEK B	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/935,019

Applicant(s)

LINDEN ET AL.

Examiner

Dilek B. Cobanoglu

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 13-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-3 and 18-24, drawn to an internet-based method for a service to chronically connect a person to a database network, classified in class 707, subclass 9.
 - II. Claims 4-12, drawn to an internet-based method for a service to enable a person to access a secure web-site to respond to a notification, classified in class 709, subclass 206.
 - III. Claims 13-16, drawn to a computer implemented business method for generating personalized databases, classified in class 707, subclass 104.1.
 - IV. Claim 17, drawn to a computer implemented method for improved data management in the healthcare industry, classified in class 705, subclass 2.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as database or file privileged accessing, invention II has separate utility such as multicomputer data transferring/demand based messaging, invention III has separate

utility such as application of database or data structure, invention IV has separate utility such as healthcare management. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Girma Wolde-Michael on 11/08/2005 a provisional election was made with traverse to prosecute the invention of Group II, claims 4-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-4 and 13-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

5. The use of the trademark Microsoft has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

6. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 to 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finkelstein et al. (U.S. Patent No. 6,283,923 B1) in view of Barry et al. (U.S. Patent No. 6,081,786).

A. As per claim 4, Finkelstein et al. discloses an internet-based method for a service to enable a nurse practitioner to access a secure web-site to respond to a notification of an event relating to a remote patient, the method comprising:

- i. alerting the nurse to an event using an event service (Finkelstein et al.; col.6, line 65 to col. 7, line 7 and lines 21-24); and
- ii. enabling the nurse to execute secure access to the patient's database in a single sign-on action.

Finkelstein et al. fails to expressly teach the secure access to patient' database, per se, since it appears that Finkelstein et al. is more directed to provide a connection via the internet and test results are readily accessible from the central processing facility via a conventional web browser (Finkelstein et al.; col.3, lines 21-28). However, this feature is well known in the art, as evidenced by Barry et al.

In particular, Barry et al. discloses a systems, methods and computer program products for guiding the selection of therapeutic treatment regimens wherein each database ensure secure and authorized access to the system (Barry et al.; col.9, lines 56-59).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the having test results available with the secure and authorized access to the system with the motivation of storing all patient data and performing various administrative functions including adding and deleting (Barry et al.; col. 9, lines 17-25).

B. As per claim 5, Finkelstein et al. discloses the method of claim 4, wherein said single sign-on action includes authentication to a foreign web-site that is passed over to access the secure patient database (Finkelstein et al.; col.6, lines 47-49).

C. As per claim 6, Finkelstein et al. discloses an internet-based method for a service to enable a doctor to access a rendered page about conditions of a patient, the method comprising:

- i. alerting a physician about a patient's condition (Finkelstein et al.; col.5, lines 60-65); and
- ii. allowing the physician to access the patient's database and wirelessly pull up a page so that the physician's receipt of a report summarizing the patient's condition is confirmed (Finkelstein et al.; col.4, lines 52-59).

D. As per claim 7, Finkelstein et al. discloses the method according to claim 7 wherein a patient management network includes the ability to push out the fully rendered page containing patient information and device information to wireless

devices and is represented as a complete page replicating a presentation similar to a website page display (Finkelstein et al.; col.4, lines 52-59).

E. As per claim 8, Finkelstein et al. discloses the method according to claim 6 wherein said wireless pull-up includes implication of one of a Microsoft pocket PC technology and equivalent.

Finkelstein et al. fails to expressly teach the Microsoft pocket PC technology, per se, since it appears that Finkelstein et al. is more directed to battery operated palmtop computer such as Hewlett Packard or other network compatible interfaces (Finkelstein et al.; col.5, lines 29-36). However, this feature is well known in the art, as evidenced by Barry et al.

In particular, Barry et al. discloses a systems, methods and computer program products for guiding the selection of therapeutic treatment regimens wherein Microsoft SQL server application program executing thereon (Barry et al.; col.9, lines 12-15).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the battery operated palmtop computer such as Hewlett Packard or other network compatible interfaces with Microsoft SQL server application program with the motivation of servers run the most recent version of knowledge base (Barry et al.; col. 9, lines 15-17).

C. As per claim 9, Finkelstein et al. discloses the method according to claim 6 wherein the physician can transcribe a voice message back to the patient and can optionally copy the message to other professionals (Finkelstein et al.; col.5, lines 9-11 and col.7, lines 50-53).

D. As per claim 10, Finkelstein et al. discloses the method according to claim 9 wherein the patient is notified about the physician's message upon the patient's home connect receiving the message (Finkelstein et al.; col.7, lines 33-37).

E. As per claim 11, Finkelstein et al. discloses an internet-based method for a service to connect a remote patient's friend or family member to a database network for medical device exchange and review comprising: identifying a friend or family member authorized to access the database network; and/or sending notification of a patient alert to said friend or family member.

The obviousness of modifying the teaching of Finkelstein et al to include secure access to patient' database (as taught by Barry et al.) is as addressed above in the rejection of claim 4 and incorporated herein.

F. As per claim 12, Finkelstein et al. discloses the method according to claim 11 wherein said notification is sent via an E-mail to alert said friend or family member wherein a URL is enclosed in the E-mail to enable secure access of the patient database to the recipient after proper authentication (Finkelstein et al.; col.3, lines 17-20 and col.6, lines 47-49).


Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used art teach Secure database management system for confidential records using separately encrypted identifier and access request 6148342 A, Methods and systems for providing life management and enhancement applications and services for telematics and other electronic medium 20010014863 A1, Method to assist consumers to make death care arrangements on-line 20010032093 A1, Method and system for managing patient medical records 20010041991.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ms. Dilek B. Cobanoglu
A.U.3626


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER